

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of §536.060, RSMo 2000, as it is made applicable to the Administrative Hearing Commission by §621.135, RSMo 2000, the parties hereto waive the right to a hearing of the above-styled case before the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee for Social Workers pursuant to §621.110, RSMo 2000, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the clinical social work license of John S. Carpenter, L.C.S.W., for violations of statutes and lawful rules and regulations set forth below.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee for Social Workers in this case, and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial Administrative Hearing Commissioner concerning the Complaint pending against Respondent; and the right to a ruling on questions of law by an Administrative Hearing Commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, John S. Carpenter, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Missouri State Committee for Social Workers, and Consent Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent. This Joint Stipulation is agreed upon solely

for the purpose of settlement. All facts are admitted solely for the purposes of settlement and not as an admission of any liability.

I

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee for Social Workers (hereinafter referred to as the "Committee") is an agency of the state of Missouri created and established pursuant to §337.622, RSMo 1998 Supp., for the purpose of administering and enforcing the provisions of §§337.600 to 337.649, RSMo.

2. Respondent, John S. Carpenter, is licensed by the Committee as a Licensed Clinical Social Worker, License No. SW 000939. Respondent ("Licensee") was initially licensed on or about October 10, 1991. Said license is current and active now and was so at all times relevant to this disciplinary action.

3. From October of 1982 until April of 1997, Licensee was employed as a psychotherapist at St. John's Behavioral Health Care (hereinafter referred to as "St. John's") in Springfield, Missouri.

4. On or about December 2, 1996, Licensee was assigned to D.D., a new female client, for the purpose of doing an initial psychosocial assessment in the course of D.D.'s treatment for depression.

5. At the time of the psychosocial assessment by Licensee of D.D., Licensee was working under the direction and supervision of Sam Caputo, D.O., a psychiatrist at St. John's who was managing the treatment of D.D.

6. On or about December 2, 1996, Licensee conducted the initial psychosocial assessment of D.D. in the office of Dr. Caputo at St. John's.

7. Licensee saw D.D. in the office of Dr. Caputo on three (3) or four (4) occasions at St. John's in 1997; for the purpose of providing clinical social work services.

8. During these office visits, Licensee gathered personal information from D.D. for assessment and also made at least one clinical recommendation that D.D. seek marital therapy.

9. Pursuant to §337.600(1), "clinical social work" is defined as "the application of methods, principles and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration of mental and emotional conditions;"

10. Licensee engaged in the practice of social work with D.D.

11. After commencement of social work contacts between Licensee and D.D., D.D. discovered the e-mail address of Licensee and began writing to Licensee via e-mail.

12. D.D. sent several e-mail messages to Licensee in which she divulged her sexual fantasies and other personal information.

13. In the course of e-mail exchange between Licensee and D.D., Licensee provided brief feedback to D.D. about the content of the sexual fantasies.

14. In response to D.D.'s e-mail messages, Licensee encouraged D.D. to write out her feelings to herself but not anyone else, as a general emotional release of her feelings.

15. Licensee's wife was able to intercept and read the confidential e-mail messages sent by D.D.

16. Licensee's wife also had contact with D.D. via e-mail on at least one occasion when Licensee's wife intercepted and read some of the e-mail exchanges between Licensee and D.D. and responded to D.D. from Licensee's e-mail address without disclosing that she, and not Licensee, was the writer.

17. On or about March 27, 1997, Licensee took his stepdaughter with him to the photography shop at the mall, Glamour Shots, to purchase photography services. Unknown to Licensee, D.D. was working at Glamour Shots that evening, and Licensee introduced D.D. to the stepdaughter.

18. On the occasion of meeting at the mall, D.D. asked why the stepdaughter was crying, and the stepdaughter responded that Licensee's wife had been abusive to her. Licensee failed to stop his stepdaughter from responding to D.D.'s questions.

19. D.D. suggested to filing of a police report relative to the child abuse allegations, and a police report of the alleged abuse incident was filed by the stepdaughter on that date.

20. In March and April, 1997, Licensee purchased make over and photography services from Glamour Shots.

21. On or about March 31, 1997, Licensee's wife contacted D.D., in person, at the shopping mall where D.D. was working.

22. In the course of the aforementioned discussion, Licensee's wife became emotionally upset, whereupon D.D. drove Licensee's wife to Licensee's office.

23. When D.D. and Licensee's wife arrived at the office, Licensee was in the midst of a therapy session with another client, which Licensee interrupted to deal with the situation with his wife and D.D.

24. After talking with his wife and D.D., Licensee resumed the session with the other client, and D.D. drove Licensee's wife home.

25. Some time during the exchange of e-mail messages with D.D., Licensee asked D.D. to recommend an attorney to represent Licensee's wife in a legal matter, because D.D. was known by Licensee to be employed in the legal field.

26. On or about April 9, 1997, St. John's accepted the resignation of Licensee in lieu of termination.

27. On or about June 26, 1997, Licensee and his wife were divorced, and D.D. took up residence in the home of Licensee with Licensee August 1, 1997.

28. Licensee was married to D.D. on August 1, 1998 and remains so today.

29. On or about April 11, 2001, Petitioner received a public complaint against Licensee, complaint number 01 04 406.

JOINT PROPOSED CONCLUSIONS OF LAW

30. Pursuant to 4 CSR 263-1.010(1)(J), a "dual relationship" is defined as follows:

(J) "Dual relationship" or "multiple relationships" occur when licensed clinical social workers, provisional licensed clinical social workers, temporary permit holders, registrants or applicants relate to clients in more than one (1) relationship, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively.

31. By engaging in the above described conduct with respect to D.D., Licensee engaged in multiple relationships with D.D. in violation of 4 CSR 263-1.010(1)(J).

32. Licensee's multiple relationships with D.D. constitute unethical conduct and violation of the disciplinary rules for client relationships, as contained in 4 CSR 263-3.040(1), which states:

(1) A licensed clinical social worker, provisional licensed clinical social worker, temporary permit holder or registrant shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship or sexual relationship, as defined by the committee, with a current client or with a person to whom the licensed clinical social worker, provisional licensed clinical social worker, temporary permit holder or registrant has at any time within the previous twenty-four (24) months rendered psychotherapy or other professional social work services for the treatment or amelioration of mental and emotional conditions.

....

33. 4 CSR 263-1.010 and 4 CSR 263-3.040 are lawful rules or regulations adopted pursuant to sections 337.600 to 337.639, RSMo.

34. Based on the conduct cited above, cause exists for the Committee to discipline Respondent's license pursuant to §337.630.2(6) and (15), RSMo 2000, which state:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

....

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

....

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

35. The complaint described in paragraph 29 contains allegations of Licensee's conduct, which, if proven true, fall within the intendment of §337.630.2(6) and (15), RSMo 2000.

II

CONSENT DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the Disciplinary Order entered by the Committee in this matter under the authority of §621.110, RSMo 2000. This Disciplinary Order will be effective ten (10) days from the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:

I. The clinical social work license (L.C.S.W.) of John S. Carpenter, License number SW 000939, shall immediately be placed on PROBATION for a period of five (5) years (the "disciplinary period"). The terms of the probation shall be:

I. TREATMENT PROGRAM FOR IMPAIRED PROFESSIONAL

A. Within 90 days of the effective date of this Joint Stipulation, Licensee shall undergo a thorough psychosocial evaluation by Richard Irons, M.D., Professional

Renewal Center, 1201 Wakarusa, Suite A-4, Lawrence, Kansas 66049 and/or Dr. Irons' designee at the Professional Renewal Center. Licensee shall show this Joint Stipulation to the clinician conducting the assessment. Licensee shall accept all recommendations for treatment, care and counseling as recommended by Dr. Irons. If Dr. Irons recommends care, counseling and treatment with a provider who is not part of the Professional Renewal Center in Lawrence, Kansas, Licensee shall provide the complete assessment report with recommendations to the designated mental health professional. Dr. Irons shall forward a complete report of his evaluation to the State Committee for Social Workers within ten (10) days of completion of said report. The report shall include a description of all tests performed, test results, findings, diagnoses, prognosis, and recommendations for treatment, including the name and address of any mental health professional recommended for treatment of Licensee.

B. Pursuant to this Joint Stipulation, Licensee is required to submit to care, counseling, and treatment, as recommended by Dr. Richard Irons and to abide by any and all practice restrictions recommended in connection with the Professional Renewal Center recommended treatment plan.

C. Licensee shall follow all recommendations for treatment.

D. Licensee shall furnish a copy of this Joint Stipulation to any mental health professional rendering treatment or assessment pursuant to this Joint Stipulation.

E. Licensee shall direct the designated treatment provider to provide the Committee with follow-up reports on a quarterly basis, with the reports due by

December 1, March 1, June 1, and September 1 each year during the disciplinary period. The follow-up reports shall detail Licensee's progress with treatment; Licensee's compliance with all treatment recommendations; any subsequent testing or evaluation performed since the last report; and any problems identified since the last reports, diagnoses, and prognosis. Licensee shall execute a medical or other appropriate release(s) authorizing the Committee to obtain information and records concerning Licensee's care, counseling, or treatment. Licensee shall take whatever steps are necessary to ensure that the required release(s) remain in full force and effect until released from the terms of this Joint Stipulation by the Committee.

F. If the treatment of Licensee is successfully completed during the disciplinary period, Licensee shall cause the treating professional or director of the impaired professional treatment program to submit a letter of evaluation to the Committee stating that Licensee has successfully completed treatment. Such a letter shall include a statement that, to reasonable degree of certainty, the treatment professional has assessed that Licensee is no longer a threat to any patient or client. The letter shall also outline the recommendations and arrangements for appropriate follow-up or aftercare. Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

II. REQUIREMENTS REGARDING EMPLOYMENT:

A. Licensee shall cause an evaluation form from each and every employer to be submitted to the Committee in December and June of each year during

the disciplinary period. The evaluation form shall be completed by Licensee's supervisor within a four (4) week period prior to the date it is due. If Licensee ends employment with an employer, Licensee shall, in addition, cause a final evaluation form from that supervisor to be submitted to the Committee within a six (6) week period following the last day of employment.

- B. The evaluation shall be an evaluation of Licensee's job performance using a form prescribed by the Committee and shall be sent by the supervisor addressed to: State Committee for Social Workers, P.O. Box 1335, Jefferson City, Missouri 65102.
- C. If Licensee is unemployed at any time during the period of discipline, Licensee shall submit an affidavit, signed before a notary public, stating the period(s) of unemployment in lieu of the employer evaluation form.
- D. Licensee shall execute any release or provide any other authorization necessary for the Committee to obtain records of Licensee's employment during the period covered by this Disciplinary Order.
- E. Licensee shall keep the State Committee for Social Workers informed of his current place of employment or of any changes in his place of employment by notifying the Committee within ten (10) working days of such a change.

- F. Licensee may not serve as a clinical supervisor for any provisional licensee of the Committee for purposes of the provisional licensee meeting supervision requirements for permanent licensure in Missouri.

III. GENERAL REQUIREMENTS

A. During the disciplinary period, Licensee shall keep the Committee informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Committee in writing within ten (10) days of any change in this information.

B. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's license in a current and active state.

C. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms and conditions of this Joint Stipulation.

D. During the disciplinary period, Licensee shall appear in person for interviews with the Committee or its designee upon request.

E. Periods of residency or the practice of social work outside Missouri will not apply to the reduction of the disciplinary period. Licensee shall notify, in writing, the social work licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of

Licensee's disciplinary status in Missouri. Licensee shall forward a copy of this written notice to the Committee contemporaneously with sending it to the relevant licensing authority. In the event Licensee should leave Missouri to reside or practice social work outside the state during the disciplinary period, Licensee shall notify the Committee in writing of the dates of departure and return no later than ten (10) days before Licensee's departure. Furthermore, Licensee shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the social work licensing authorities in the jurisdiction in which Licensee is residing or practicing of Licensee's disciplinary status in Missouri.

F. Licensee shall notify, within fifteen (15) days of the effective date of this Joint Stipulation, all facilities where Licensee practices of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.

G. For purposes of this Joint Stipulation, unless otherwise specified in this Joint Stipulation, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Agreement shall be forwarded to the State Committee for Social Workers, P.O. Box 1335, 3605 Missouri Blvd., Jefferson City, Missouri 65102.

H. This Joint Stipulation does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by

Licensee not specifically mentioned in this document but does set forth all of the terms and conditions of Licensee's discipline to be imposed by the Committee on the basis of all information contained herein and that information now known to the Committee as complaint number 01 04 406.

I. Upon the expiration of the disciplinary period, Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Committee for Social Workers determines that Licensee has violated any term or condition of this Consent Disciplinary Order, the Committee may in its discretion, vacate this Agreement and impose such further discipline as the Committee shall deem appropriate.

J. No additional order shall be entered by this Committee pursuant to the preceding paragraph of this Consent Disciplinary Order without notice and an opportunity for hearing before this Committee as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Consent Disciplinary Order occurred during the disciplinary period, the parties agree that the Committee may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Licensee agrees and stipulates that the Committee has continuing jurisdiction to hold a hearing to determine if a violation of this Consent Disciplinary Order has occurred.

K. Licensee shall immediately submit documents showing compliance with the requirements of this Consent Disciplinary Order to the Committee when requested.

L. During the disciplinary period, Licensee shall comply with all provisions of Chapters 337 and 195, RSMo; all the regulations of the Committee; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Disciplinary Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Petitioner in the above-styled action.

Respondent hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Settlement and Release Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement and Release Agreement in

that it survives in perpetuity even in the event that any court of law deems this
Settlement and Release Agreement or any portion thereof void or unenforceable.

Respectfully submitted,

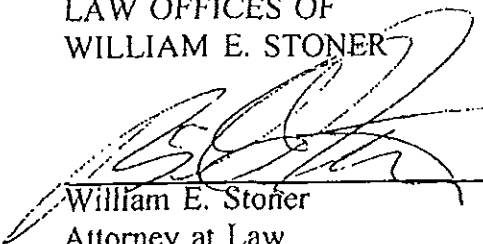
LICENSEE

John S. Carpenter 9/28/01
John S. Carpenter date

COMMITTEE

Ken Bishop date
Executive Director

LAW OFFICES OF
WILLIAM E. STONER




William E. Stoner
Attorney at Law
Missouri Bar No. 0022553

2741 S. Meadowbrook Avenue

Springfield, MO 65807
(417) 889-9093
(417) 889-9092 Facsimile

Attorney for Licensee

JEREMIAH W. (JAY) NIXON
Attorney General



Charissa L. Watson
Assistant Attorney General
Missouri Bar No. 47814

Broadway State Office Building
Post Office Box 899
Jefferson City, MO 65102
(573) 751-1444
(573)751-5660 Facsimile

Attorneys for Committee